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UNITED STATES OF AMERICA,

v.

MIGUEL REYES GARCIA,

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U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 22, 2019

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

4:15-CR-6049-EFS-21 No.

Plaintiff,

ORDER GRANTING **DEFENDANT'S MOTION TO** EXTEND SENTENCING **DEADLINES** 

**USPO** Action Required

Before the Court, without oral argument, is Defendant Miguel Reves Garcia's Motion for Extension of Time to File Objections to PSIR and Sentencing Memorandum, ECF No. 1136, and related Motion to Expedite, ECF No. 1137. Counsel for Mr. Reyes Garcia, Ken Therrien, requests an extension of the sentencing filing deadlines and avers that the Government's counsel, Stephanie Van Marter, does not oppose this request. *Id*.

Defendant.

## I. PROCEDURAL HISTORY

The Government filed the Second Superseding Indictment on December 6, 2016, charging Mr. Chavez with the following: Count 1, conspiracy to distribute 500 grams or more of methamphetamine, 5 kilograms or more of cocaine, 1 kilogram or more of heroin, and 400 grams or more of N-phenyl-N Propanamide, in violation of

Order Granting Continuance — Page 1 of 3

21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846. ECF No. 105. Defendant plead guilty on October 10, 2018. ECF No. 993. Sentencing is set for March 20, 2019. ECF No. 1105. On February 14, 2019, the U.S. Probation Office filed the Draft Presentence Investigation Report. ECF No. 1130.

Defense Counsel states that he needs an extension to March 4, 2019 to file objections to the PSIR and sentencing memorandum. ECF No. 1136. The objections and memoranda are due on February 28, 2019. See ECF Nos. 994 & 1105. Defense Counsel states that he was recently hospitalized with an ear infection, which kept him out of the office on and off for nearly a week. Id. Additionally, weather conditions have made it difficult for Defense Counsel to schedule time to travel to the Benton County Jail with an interpreter. Id. The Government has no objection to Defendant's request for an extension. Id. Probation has informed the Court that they do not oppose the request for an extension.

## II. CONTINUANCE GRANTED: AMENDED SENTENCING SCHEDULE

Having reviewed the pleadings and the file in this matter, the Court is fully informed and grants the request for an extension. Counsel and the U.S. Probation Office are expected to carefully read and abide by this Order and such provisions of the prior Order Regarding Schedule for Sentencing, ECF No. 994, that have not been superseded hereby.

## IT IS HEREBY ORDERED:

 The Defendant's Motion for an Extension of Time to File Objections to PSIR and Sentencing Memorandum, ECF No. 1136, is GRANTED.

- The Defendant's Motion to Expedite, **ECF No. 1137**, is **GRANTED**.
- Counsel shall COMMUNICATE IN WRITING to the Probation Office any objections to the presentence investigation report by no later than Monday, March 4, 2019.
- Counsel shall FILE AND SERVE all motions and memoranda pertaining to Defendant's sentence, including motions for downward or upward departures and/or variances, by no later than Monday, March
- The U.S. Probation Office shall file the finalized presentence investigation report and sentencing recommendations to the Court by no later than Tuesday, March 12, 2019.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and to provide copies to counsel and the U.S. Probation Office.

**DATED** this 22nd day of February 2019.

s/Edward F. Shea EDWARD F. SHEA Senior United States District Judge